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10/665,501

09/22/2003

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EXAMINER

BELANI, KISHIN G

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ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

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**Response to Special Amendment for application 10/665,501
filed 11/03/2009**

Information Disclosure Statement

The information disclosure statements submitted on 11/03/2009 have been considered by the Examiner and made of record in the application file.

Response to Arguments

On page 6 of the "Remarks" section, the applicants argue about "genus" and "species" that are not significant for providing motivation to combine the cited prior art of Gogerty with Von Kohorn to reject applicants' claim 1. Gogerty teaches every claim element of independent claim 1, except disclosing "a winning probability decider for deciding a winning probability of a drawing of lots applied to a user of a second mobile terminal according to the sent information stored in storage". The examiner added Von Kohorn reference to teach an analogous concept by using superior game scores of a player as a winning probability decider to award for the effort and time spent at the game machine, that results in the revenue increase for the game machine owner.

On the last paragraph of page 6 of the remarks, the applicants further argue that even if there is rationale to combine Von Kohorn with Gogerty, the combination still fails because both Gogerty and Von Kohorn only disclose awarding prizes to the *sender* of emails/messages not to the receiver as claimed. The applicants then point to Fig. 4 of

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Gogerty that teaches determining if the *sender* is a winner. Although Fig. 4 does show determining if the sender is a winner, the examiner would like to refer to lines 10-12 of paragraph 0029 in Gogerty reference. The cited lines state that "The winning entry may be as a result of the pre-registered **user either sending or receiving** an e-mail message.

There is no new argument (other than the dependency of other claims on the rejected independent claims) presented for the remaining claims. No new response is therefore provided. **Claims 1, 2, 5, and 7** are considered obvious and non-novel, and therefore, are not allowable.